

Ackerman, Joyce

From: Ackerman, Joyce
Sent: Monday, January 22, 2018 10:33 AM
To: Richard Dean
Cc: Stovall - CDPHE, Curtis; Walker - CDPHE, David; MacGregor - CDPHE, Kelly; jason.king@coag.gov; Henderson, Jerry; martin.ogrady@state.co.us; ajkrieger@erieco.gov; fdiehl@erieco.gov; khansen@erieco.gov; mostholthoff@erieco.gov; tbjerkaas@erieco.gov; bfrissell@co.weld.co.us; Dave Folkes; Thomas J. Krasovec; Jonathan H. Steeler; Tobi L. Moore; Piggott, Amelia; O'Reilly, Maureen; Fronczak, David; Ketellapper, Victor; Jenkins, Katherine
Subject: Neuhauser Landfill Site - Removal of contaminated soils under AOC
Attachments: [Untitled].pdf

Dear Mr. Dean – Attached please find a letter addressing excavation of soils pursuant to the EPA Administrative Settlement Agreement and Order on Consent. You may contact me at the numbers below with any questions.

Sincerely,

Joyce Ackerman
On-Scene Coordinator and START P.O.
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202
(303) 312-6822
Cell 303-886-1632



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
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Ref: EPR-ER

January 22, 2018

Mr. Richard Dean
Stratus Redtail Ranch, LLC
8480 E. Orchard Road, Suite 1100
Greenwood Village, CO 80111

RE: Neuhauser Landfill Site: Removal of contaminated soils under AOC

SENT VIA E-MAIL to rdean@stratuscompanies.com

Dear Mr. Dean:

This letter denies the January 19, 2018 proposal by your technical representative, Geosyntec Consultants Inc., to exclude excavation of contaminated soils from the removal action at the Neuhauser Landfill Site in Erie, Colorado. The Administrative Settlement Agreement and Order on Consent (AOC) signed by Stratus Redtail Ranch LLC (Stratus), as well as Stratus's Work Plan, require excavation of soils contaminated by leaking drums as well as the black sludge in the vicinity of monitoring well SEC MW-2.

The EPA-approved Work Plan requires removal of the following:

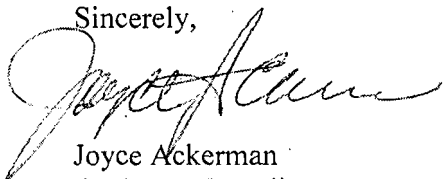
- Soil visibly contaminated by leaking drum or container contents;
- Soil with a strong odor consistent with drum or container contents;
- Soil with total VOC concentrations of 100 parts per million by volume (ppmv) or greater as determined by soil sample head-space screening using a flame ionization detector (PID).

Per the AOC, these materials must be removed in order to address outstanding threats to human health and the environment. There are contaminated soils meeting these criteria in the areas of the Site identified as Phase 1, Phase 2a, and Phase 2b. The area identified as Phase 3 contains the black sludge, but is now known to also contain buried drums. Contaminated soils in these areas, as well as any in new drum burial areas found during test pitting investigations, must be excavated, characterized, and disposed of pursuant to the AOC.

It appears that the schedule submitted as part of the Work Plan will not be met. Submit a revised schedule no later than January 24, 2018, for EPA's review and approval.

You may contact me with any questions at (303) 312-6822 or ackerman.joyce@epa.gov.

Sincerely,



Joyce Ackerman
On-Scene Coordinator

Cc: Curt Stovall – CDPHE
David Walker – CEPHE
Kelly MacGregor - CDPHE
Jason King – Colorado Office of the Attorney General
Jerry Henderson - CDPHE
Martin O’Grady – CDPHE
A.J. Krieger – Town of Erie
Fred Diehl – Town of Erie
R. Martin Ostholthoff – Town of Erie
Katie Hansen – Town of Erie
Todd Bjerkaas – Town of Erie
Ben Frissell – Weld County
David Folkes, – Geosyntec Consultants
Thomas Krasovec – Geosyntec Consultants
Jonathan Steeler – Senn Visciano Canges P.C.
Tobi Moore, ACTenviro
Amelia Piggott – EPA
Maureen O’Reilly – EPA
David Fronczak – EPA
Victor Ketellapper – EPA
Katherine Jenkins - EPA